

IN THE MATTER OF THE APPLICATION OF THE
NEW YORK & ONTARIO POWER COMPANY TO
THE INTERNATIONAL JOINT COMMISSION

Statement in Response

—OF—

The Dominion Marine Association



3 9004 01509196 7

1918

FRANCIS KING,
Kingston, Ontario,
Counsel for the Dominion
Marine Association.

LP
F
5012
1918
D671

12
18
671

1207683



IN THE MATTER OF THE APPLICATION OF THE
NEW YORK & ONTARIO POWER COMPANY TO
THE INTERNATIONAL JOINT COMMISSION

Statement in Response

—OF—

The Dominion Marine Association

1918

FRANCIS KING,
Kingston, Ontario,
Counsel for the Dominion
Marine Association.

LP
F5012
1918

**STATEMENT FILED ON BEHALF OF THE DOMINION
MARINE ASSOCIATION WITH RESPECT TO THE
APPLICATION OF THE NEW YORK & ONTARIO
POWER COMPANY TO THE INTERNATIONAL
JOINT COMMISSION.**

To the Honourable, The Chairman and Members of the International Joint Commission, Washington, D.C., and Ottawa, Canada.

The Dominion Marine Association, representing the owners of Canadian vessels interested in the navigation of the Great Lakes and Upper St. Lawrence River, presents the following statement with reference to the pending application of The New York & Ontario Power Company.

1. Navigating in this section of the river is extremely difficult under present conditions, whether the canal or the main channel of the river is used.

(a) **In taking the canal downbound** and navigating with the proper speed to make Lock 24 vessels are seriously affected by the heavy current which passes the head of the canal, and masters are accustomed to turn their ships around and head upstream. Some purposely beach the vessel on the north bank, thus holding her head while the current swings the stern around; and they then drop back stern first into the canal and turn again in the entrance. In the case of the larger steamers the difficulty is of course accentuated; and it is quite impossible to run tows down the canal safely. This is recognized by the canal authorities and urgent recommendations for improvement have been made by the Dominion Marine Association to the Department of Railways

& Canals from time to time. It is understood that various improvement plans are being considered by the Department.

(b) In taking the main channel downbound to avoid the difficulties and loss of time attendant on the passage of the canal, vessels pass through the difficult Rapide Plat shown on Plate 1 of the application, and they do so, drawing the ordinary canal draft of 14 feet of water, only when conditions are favourable. Navigability at this draft is dependent upon the stage and flow of the river and is also seriously affected by certain winds. In a recent year of low water river barges were sent down these rapids drawing only 12 feet. There is, of course, additional danger in any slight loss of depth in the rapid water of a tortuous and boulder strewn channel where there is ordinarily scarcely enough water for a canal draft vessel; and the loss of carrying capacity, due to a restriction in draft of even an inch, is serious.

(c) In taking the main channel upbound a steamer of ordinary power requires the assistance of a tug. The main channel is frequently used by upbound boats, and has proved of great value when the canal has been for any reason out of commission.

2. It is self-evident that the rock fill shown at E in Plate 1 of the application, and the enlargement of the Little River channel to permit increased withdrawal of water in that direction, must necessarily decrease the water in the Rapide Plat; and it cannot be said with certainty that the other rock fill below the Rapide Plat, shown at D, designed as it is, primarily, to improve the applicant's tail-race in the Little River, will compensate the loss of water in the rapid. The application on Page 4 enumerates the contemplated changes affecting navigation and apparently ignores the need of water in the

Rapide Plat. It does not suggest maintenance or improvement of levels in that section.

The compensating side embankment on the north side of Ogden's Island (page 4 of the application) should also develop an objectionable current.

3. Navigation is also difficult in the neighborhood of Canada Island, and while the proposed rock fill at D will eliminate a certain cross current, it will necessarily greatly increase the flow and at the same time change the direction of the current in the curved channel above and north of Canada Island, and the extent of the danger from these changes is unknown and consequently feared.

4. The greatly increased flow in the restricted channel north of Canada Island will probably debar upbound vessels from using the river channel instead of the canal.

5. The Dominion Marine Association therefore submits that, apart altogether from the general considerations hereinafter set out, the reasons already mentioned and a due regard to the provisions of Article VIII of the Treaty with reference to the relative importance of navigation and power require,

(a) That the present application should not be considered at all unless in the first place in complete accord with the plans of the Dominion Department of Railways & Canals; and that its allowance, in whole or in part, should be refused if such allowance would in any way interfere with or prejudice in the slightest the required improvements at the upper entrance of the canal;

(b) That the improvement in conditions at the head of this canal, if any such improvement would result from the works proposed, should not be sought at the expense of the navigability of the Rapide Plat, if it is otherwise attainable;

(c) That the full flow of the main channel should not be forced north of Canada Island with the objectionable results indicated in paragraphs 3 and 4 above.

6. But dealing with the application in more general terms the Dominion Marine Association submits that while the development of the St. Lawrence by the Governments of the two countries under some general scheme designed to improve navigation and utilize power might meet with general approval, nevertheless merely local developments by private parties primarily interested in their output of electrical power and only incidentally seeking to protect navigation by remedial works (which may or may not prove effective) cannot sufficiently recognize the paramount requirements of navigation, cannot be subjected to control which will at all seasons and under all conditions protect navigation, and in any event may prove quite inconsistent with and prejudicial to any future general development plans.

7. The Dominion Marine Association therefore maintains its attitude frequently defined in communications to the Premier of Canada and to the Minister of Public Works in opposition to all such proposals for local and private development until comprehensive plans are determined upon for the whole upper river; and the Association respectfully submits

First: That the order of approval asked for should not be made.

Second: That in any event it is essential for the due protection of the paramount interests of navigation

(a) that contemplated or equivalent improvements in the Morrisburg Canal entrance be assisted or at least not prejudiced in any way whatever.

- (b) that the available depth of water in the dangerous parts of the main channel be at least maintained, if not improved, at all seasons.
- (c) that the safety of navigation be not in any way impaired by the formation of new channels or the development of new or increased currents, or otherwise.
- (d) that the use of the main channel of the river by upbound vessels must not be overlooked, and that nothing should be permitted to render navigation, either up or down the river, more difficult or more unsafe.
- (e) that the river and canal levels and flow remain as now absolutely under Government control and subject in no way whatever to impairment at the instance of private individuals or corporations.

Dated at Kingston, Ontario, July 4, 1918.

FRANCIS KING,
Counsel for the Dominion Marine
Association.

